

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANCIS KAY ONSTAD, DELYLE  
SHANNY AUGARE, GARY JOSEPH  
CONTI, DOROTHY MAY STILL  
SMOKING, KATHERYN  
ELIZABETH, CHARLOTTE NEW  
BREAST,

Defendants.

**CR-13-65-GF-BMM**

**ORDER CLARIFYING  
APPLICATION OF RESTITUTION  
PAYMENTS**

The Court ordered Defendants Onstad, Augare, Conti, Still Smoking, Elizabeth, and New Breast to pay restitution to Substance Abuse and Mental Health Services Administration (“SAMHSA”), jointly and severally, in various amounts. (Doc. 321 in CR-13-65-6.) \$1,000,000 represented the total amount of restitution originally owing to SAMHSA. (Doc. 400 at 2.) The Court ordered Defendant New Breast to pay \$50,000 of the \$1,000,000 owing to SAMHSA, jointly and severally, with other defendants. New Breast paid the full \$50,000 to the Court.

The Clerk of Court in the United States District Court for the District of Montana has a policy that a restitution payer is refunded funds that exceed the amount of joint and several liability the Court ordered her or him to pay. Other Defendants in this case had paid restitution payments before New Breast made her \$50,000 payment, thus warranting a refund to New Breast in the amount of \$18,371.67 under the Clerk of Court's policy. The Court sees no reason to disturb this policy. New Breast proved the least culpable defendant in this case. It strikes the Court as fair that \$18,371.67, of her joint and several restitution responsibility will be excused. The amount owing to SAMHSA by the other Defendants will not change.

Accordingly, IT IS ORDERED:

1. The Clerk of Court shall issue a refund of \$18,371.67, to Charlotte New Breast.
2. The Clerk of Court shall continue its policy with regards to discharge of responsibilities under joint and several liability.

Dated this 27th day of June, 2017.



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Brian Morris  
United States District Court Judge